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我国集体林权制度改革问题研究

A Study on Reform in China's Collective Forest Right System

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## 摘 要

在我国集体林权制度改革全面展开的关键时期,对这个问题进行全面深入地研究,对于更进一步把握好改革的要求和方向,确保集体林权制度改革的顺利推进,具有重要的理论价值和重大的现实意义。本文通过综合运用理论分析、模型构建、改革进程评述、国外的经验教训和启示,较为系统地论述了当前我国集体林权制度改革的相关问题,对改革的动因、成效及制约因素进行了研究,有针对性地提出改革基本思路与对策建议。

本文在借鉴国内外围绕林权制度变迁的研究成果,把握国内外研究进展和最新动态的基础上,对我国集体林权制度改革这一课题进行探讨。首先,本文对研究所涉及的相关概念,如林权、集体林权、制度等作了必要的界定和说明,并对现代产权理论、制度变迁理论、交易费用理论、农户行为理论等进行概括和阐述,为进一步分析提供理论基础。从这些理论出发,我们认为,集体林权制度改革的关键就是要在明确界定产权的基础上寻找有效率的产权主体,过去不同改革时期,国家、集体、林农获取的利益差异显著,其实正是这种差异导致了林业政策的多变和林业发展的受阻。林民的积极性来自经济利益,在市场经济条件下,林农作为森林经营主体必然追求利益最大化。因此,以明晰产权、让林农得益的林权制度改革势在必行。其次,回顾我国林权制度的历史沿革及制度缺陷,在考察中,我们认为任何一次集体林权制度的变革都离不开大的宏观制度背景和环境,我国集体林权制度的历史沿革应该以重大事件、重要文件来划分阶段。如果外部宏观经济条件不具备,内部制度安排再怎么合理,也难以取得明显效果,只有在外部宏观经济条件已经具备,集体林改的制度安排与之相适应的时候才可能达到我们预想的效果。本文认为我国集体林权存在所有权主体不明晰、政府作为林权控制者管理不到位、山林经营机制不灵活、林权流转行为不规范、森林生态效益补偿办法不完备、林业综合改革措施不配套等制度缺陷。在分析了我国林权领域的制度缺陷后,又对林权制度改革面临的内外部环境作了必要分析。再次,本文进一步运用博弈论等现代经济学分析方法,构建二人产权博弈模型,以此厘清我国集体林权制度变革中错综复杂的利益关系,认为我国的林权应该是林农、村集体与政府三方长期博弈的均衡解,产权合约的形成必须是各参与方在既有约束条

件下理性选择的结果。与此同时，结合我国实际对国内几种改革模式进行比较及改革绩效进行分析，为深化改革寻找事实依据。更次，本文认为在当今大开放的背景下，考察国外一些国家林权制度变革的情况是必要的也是必须的，即使所有制不同、森林权属比例不同，森林资源经营模式不同，或者管理指导方法和扶持政策也各不相同，但都有经验值得总结，有教训值得记取。论文概括分析了瑞典、法国、美国、日本、德国、波兰、俄罗斯等国外林权制度变革的经验教训，并从他们的历程、做法中寻找启发和启示。复次，研究认为我国新一轮集体林权制度改革，既不能照搬过去土地经营承包的模式，也不能照抄国外的经验做法，既不能强求一律，也不能放任自流，既要在改革中解决历史遗留问题，化解长期以来积累的深层次矛盾，也要时刻注意总结改革中出现的新情况和新问题，根据形势的变化、环境的变化以及各方利益格局的变化，从体制机制上、制度安排上、方案设计上、政策措施上统筹考虑。最后，针对当前我国林权制度改革中存在的问题，给出了深化改革的基本思路与对策建议，即进一步深化集体林权制度改革的方向，必须有明确的原则、清晰的思路和有力地举措，必须适应林业现代化、生态化、社会化的发展趋势，必须结合实际、因地制宜、依法办事，制订科学合理的林改方案，在明确林权主体的基础上，做好各项综合配套改革，构建现代林业产权制度，完成改革的目标，实现国家、集体与林农各方利益的最大化，真正促进林业的发展。

**关键词：**集体林权；制度变迁；博弈

## **Abstract**

In the critical period of general reform in collective forest right system, studying on this issue in-depth has a theoretical value and practical significance in further grasping the requirements and ensuring the smooth progress of reform. Through the integrated using of theoretical analysis, model building, the reform process reviewing, experience and lessons abroad, this dissertation systematically exposit the issue related to the collective forest right system and research on the reform's motivation, effectiveness and restraining factor, and advances the basic ideas of reforming and corresponding suggests.

Base on grasping the latest development and referring to much research about forest right system progress both home and abroad, this dissertation explores the subject on the reform of collective forest right system.

Firstly, we make necessary definitions and explanations on relevant concepts involved in this article, such as forest right, collective forest right and forest right system. We also generalize and make descriptions on proprietary right theory, system change theory, transaction cost theory and farmer behavior theory etc, providing theoretical basis for further analysis. Starting from these theories, we hold that the key for collective forest right system is to look for effective property right subject based on giving clear definition on property right. In different reform stages in the past, great difference exists between interests gained by the state, collective and forest farmers. It's this very difference that leads to change in forest policy and hindered development in forest development. Farmers' enthusiasm comes from economic benefit. Under the condition of market economy, as the subject of forest operation, forest farmers will inevitably seek maximizing interests. Therefore it is imperative to carry out forest right system reform to clarify property right and make forest farmers gain benefits.

Secondly, recalling the history of evolution of forest right system and institutional deficiencies in China, we deem that any collective forest right system reform can't go without macro system background and environment. Stage of historic

reform in China's collective forest right system shall be divided by great events and important documents. Without external macroeconomic conditions, it's hard to achieve remarkable effects no matter how reasonable the internal system is. Expected effect can be reached only when collective forest reform system is adaptable to external macroeconomic conditions. This dissertation argues that many system defects exist in the collective forest right, such as ownership is not clear, government management is not in place as forest rights controller, forest management mechanism is not flexible, forest property transfer transactions are not standardized, approach of forest ecological benefit compensation is not perfect and forestry comprehensive reform measures are not match. So after analyzing defects in China's forest right system, we also make a necessary analysis on external and internal environment that the reform of forest right system confronts. In game analysis, we build two-person property game model by using game analysis, a modern economic analysis method, to clarify complicated relationship of interests in the reform of China's forest right system. We consider that China's forest right should be an equilibrium solution of the game between forest farmer, village collective and the government; the formation of property right contract should be a result of rational choice of all participants under established binding force. We also make comparisons between several reform models in China in the light of actual conditions and make analysis on reform achievements, seeking fact basis for deepening reform.

Thirdly, we believe that it is necessary and required to study reform situations in forest right system in some foreign countries under the background of an open society. Their experience and lessons are worth of learning from in spite of difference in ownership, forest ownership ratio, operation mode of forest resource or management guidance methods and support policy. The dissertation generally analyses the experiences and lessons in change of forest right system in Sweden, France, the United States, Japan, Germany, Poland, Russia and other foreign countries. From their Course and practices, We can find much inspiration and enlightenment.

Fourthly, studies suggest that our new round of reform in collective forest right system shall neither copy land management contract model nor imitate foreign



experience; neither can we impose uniformity nor practice laissez-faire. We need not only resolve the historical problems of long standing and deep-seated contradictions, but also always pay attention to summing up new situations and problems about the reform. As the changes of situation, environment and the pattern of interests, we should generally consider these problems on arrangement of policies, measures and design.

Finally, we present the basic ideas of deepening reform and suggestions on the problems in the reform. To genuinely promote forestry development, we must further deepen the direction of the reform of collective forest right system. In order to draw a scientific and rational program of forest reforming, we must have clear principles, clear thinking and strong measures not only adopted to the modern forestry, ecology, social trends, but also integrated with actual local conditions, in accordance with the law. Based on the clearing the main body of forest rights, we must carry out comprehensive reforms, build a modern forestry property right system to complete the reform objectives and realize maximizing interests of all parties of the nation, collective and farmers.

**Keywords:** collective forest right; system change; game

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